

**GRIMM, VRANJES, McCORMICK  
& GRAHAM LLP**

Mark Vranjes, Esq. (SBN 106447)  
Michael B. Martin, Esq. (SBN 147701)  
550 West C Street, Suite 1100  
Post Office Box 129012  
San Diego, CA 92112-9012  
TEL: (619) 231-8802  
FAX: (619) 233-6039  
[mvrانjes@gvmglaw.com](mailto:mvrانjes@gvmglaw.com)

Attorneys for Defendant NORTH  
AMERICAN CAPACITY INSURANCE  
COMPANY

**KENEALY LAW OFFICE**

Jack Kenealy, Esq. (Cal. Bar No. 76987)  
327 College Street, Suite 110  
Woodland, California 95695  
Telephone: (530) 669-7736  
Facsimile: (530) 669-3615  
[kenealylaw@ymail.com](mailto:kenealylaw@ymail.com)

Attorneys for Plaintiff WILLIAM A. THAYER  
CONSTRUCTION, INC.

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT**

WILLIAM A. THAYER  
CONSTRUCTION, INC.

Plaintiff,

v.

NORTH AMERICAN CAPACITY  
INSURANCE COMPANY, and DOES 1-10,

Defendant.

**CASE NO:** C-10-01019 LHK ADR

**STIPULATION AND ORDER REGARDING  
DISMISSAL OF CLAIMS FOR DAMAGES  
ARISING OUT OF PHYSICAL AND  
EMOTIONAL DISTRESS**

**Judge:** Hon. Lucy H. Koh

**Dept.:** 4

**Complaint Filed:** 02/10/2010

**Trial Date:** None Assigned

WHEREAS counsel for Plaintiff and Defendant have conferred regarding the scope of  
Plaintiff's claims against Defendant; and

WHEREAS counsel for Plaintiff has agreed to dismiss Plaintiff's claims for damages  
arising out of physical and emotional distress as set forth in the operative complaint and  
Disclosures on file herein;

NOW THEREFORE, the parties, by and through their counsel of record, hereby stipulate  
as follows:

///

///

///

///

1 1. Plaintiff's claims for damages arising out of physical and emotional distress as set  
2 forth in the operative complaint and Disclosures on file herein shall be dismissed.

3 Dated: September 13, 2010

LAW OFFICES OF JACK KENEALY

4  
5  
6 BY: 

JACK KENEALY

Attorney for Plaintiff WILLIAM A.  
THAYER CONSTRUCTION, INC

7  
8  
9 Dated: September 13, 2010

GRIMM VRANJES  
McCORMICK & GRAHAM LLP

10  
11  
12 BY: 

MARK VRANJES

MICHAEL B. MARTIN

Attorney for Defendant NORTH  
AMERICAN CAPACITY INSURANCE  
COMPANY

13  
14  
15 **ORDER**

16 Based on the stipulation of the parties and for good cause, IT IS HEREBY ORDERED:

17 Plaintiff's claims for damages arising out of physical and emotional distress shall hereby be  
18 dismissed.  
19

20  
21 Dated: November 10, 2010

22 BY: 

HONORABLE LUCY H. KOH

Judge of the United States District Court  
For the Northern District of California